IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 22860 of 1999

Between:

A.Sayaram S/o.Gore Sayaji
R/o.Bhagwanpalli Nizamabad Dist.

..... PETITIONER

AND

1 The Dist Collector (Proh., & Excise)
Nizamabad Dist at Nizamabad.
2 The Superintendent of Proh., & Excise
Nizamabad Dist., Nizamabad
3 The Proh., & Excise Inspector
Nizamabad Range at Nizamabad.
4 The Proh., & Excise Inspector
warni Range Nizamabad Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to may be pleased to issue an order/ direction more particularly one in the nature of Writ of Mandamus , declare the impugned distraint order vide Procs., Nil , Dt: 28-10-99 by the respondents as illegal, in respect of payment of arrears for Rs.3,24,183/- of Arrack shop of Mosra and Muthukunta Villages, Warni Mandal , Nizamabad District and pass such other order.

Counsel for the Petitioner:MR.B.SAI RAM GOUD

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court made the following O R D E R :

Heard learned counsel for the petitioner and also learned Government Pleader for Prohibition and Excise. Both of them agreed for disposal of this matter in terms of the order passed by this Court in W.P.No.23416 of 1999 and batch, dted 25-06-2004, wherein this Court held that unless the amounts due for short lifting of the Minimum Guaranteed Quota is determined, after due notice to the parties, resorting to attachment of the properties under A.P.Revenue Recovery Act, 1864 for the said due is illegal and the same has to be set aside and accordingly the impugned order was set aside.

This writ petition is also disposed of in terms of the said order. The order in W.P.No.23416 of 1999 and batch, dated 25-06-2004 shall apply to this case as well. No order as to costs.

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02-07-2004

vrn

To

1 The District Collector (Proh.& Excise), Nizamabad Dist. At

Nizamabad.

2 The Superintendent of Proh., & Excise
Nizamabad Dist., Nizamabad
3 The Proh., & Excise Inspector
Nizamabad Range at Nizamabad.
4 The Proh., & Excise Inspector
Warni Range Nizamabad Dist.

5 Two C.Cs to the Government Pleader for Prohibition & Excise,

High Court Buildings, Hyderabad (OUT)

6 Two C.D copies

Along with a copy of the judgment in W.P.No.23416 of 1999 & batch, dated 25-06-2004